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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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|-------------------------------|---|--------------------------------|
| -----X | | |
| FRANKLYN F. LUGO, | : | |
| | : | 08 Civ. 2960 (RJS) |
| Plaintiff, | : | ECF Case |
| | : | |
| -against- | : | Electronically Filed |
| | : | |
| THE UNITED STATES OF AMERICA, | : | DEFENDANT'S |
| | : | NOTICE OF MOTION FOR |
| Defendant. | : | <u>SUMMARY JUDGMENT</u> |
| | : | |
| -----X | | |

PLEASE TAKE NOTICE that upon Defendant's Statement of Undisputed Facts Pursuant to Local Civil Rule 56.1(a), the Declaration of Joseph N. Cordaro in Support of the Government's Motion for Summary Judgment, dated July 11, 2008, and the exhibits annexed thereto, and the Memorandum of Law in Support of the Government's Motion for Summary Judgment, dated July 11, 2008, and upon all the pleadings heretofore filed in this action, Defendant the United States of America (the "Government"), by its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court before the Honorable Richard J. Sullivan for an order granting the Government summary

judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, and for such other and further relief as the Court deems proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Order of the Court dated June 26, 2008, papers in opposition to the Government's motion shall be filed and served no later than August 8, 2008.

PLEASE TAKE FURTHER NOTICE that pursuant to Paragraph 2(E) of the Court's Individual Practices, oral argument on this motion will take place on a date and at a time designated by the Court.

Dated: New York, New York
July 11, 2008

Respectfully submitted,

MICHAEL J. GARCIA
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Southern District of New York
Attorney for Defendant

/s Joseph N. Cordaro
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